

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CLAY HAYNES,

Plaintiff,

v.

VARIOUS BENTON COUNTY  
ACTORS THEREOF,

Defendants.

No. 4:20-CV-5176-TOR

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

On September 28, 2020, Plaintiff filed a *pro se* civil rights complaint pursuant to 42 U.S. C. § 1983 while incarcerated at the Benton County Jail. ECF No. 1. Plaintiff sought leave to proceed *in forma pauperis*, but his documentation was insufficient. ECF No. 2. He was advised of the deficiencies concerning his application and was sent a new application on September 30, 2020. ECF No. 4. The Clerk of Court advised Plaintiff that he also needed to provide a statement of his inmate account for the six months immediately preceding the submission of his complaint. *Id.* Plaintiff did not comply with these directives.

1 On October 28, 2020, this Court ordered Plaintiff to submit a completed and  
2 signed Declaration and Application to Proceed *in forma pauperis* by November 18,  
3 2020, and to provide a certified statement of his inmate account for the six-month  
4 period immediately preceding September 28, 2020. ECF No. 6 at 2. In the  
5 alternative, Plaintiff was advised that he could pay the full \$400.00 filing fee. *Id.*  
6 Plaintiff was advised that his failure to do so by November 18, 2020 would result  
7 in the dismissal of this case. *Id.*

8 In a Statement Regarding Criminal Complaint filed on November 2, 2020,  
9 Plaintiff stated he received “*forma pauperis*” forms from the Clerk’s Office but  
10 cited concerns about mail tampering and questioned whether any pages were  
11 missing. ECF No. 7 at 1. Due to Plaintiff’s concerns, Plaintiff was sent another  
12 copy of the Court’s Order to Comply with Filing Fee Requirements, ECF No. 6.  
13 ECF No. 9 at 4.

14 On November 5, 2020, this Court ordered Plaintiff to clarify his intent to  
15 proceed with this action by November 18, 2020. ECF No. 9 at 4. Plaintiff has failed  
16 to clarify his intent by the deadline. Further, Plaintiff has neither paid the filing fee  
17 nor supplied the completed and signed Declaration and Application to Proceed *in*  
18 *forma pauperis* and the six-month inmate trust account statement (or institutional  
19 equivalent) by the due date, November 18, 2020.  
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1 Accordingly, **IT IS HEREBY ORDERED:**

- 2 1. This action is **DISMISSED** without prejudice for failure to comply with  
3 the filing fee or in forma pauperis requirements of 28 U.S.C. §§ 1914  
4 and 1915.
- 5 2. The Court certifies any appeal of this dismissal would not be taken in  
6 good faith.

7 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order,  
8 enter judgment, provide a copy of this Order and the judgment to Plaintiff, and **close**  
9 the file.

10 **DATED** this 30th day of November 2020.



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*Thomas O. Rice*  
THOMAS O. RICE  
United States District Judge